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12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

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16 UNITED STATES OF AMERICA,) CASE NO. 2:24-CR-00091-ODW
17)
18 Plaintiff,) **DECLARATION OF RICHARD A.**
19) **SCHONFELD IN SUPPORT OF**
20) **DEFENDANT'S NOTICE OF**
21) **MOTION AND MOTION**
22 v.) **IN LIMINE TO TAKE**
23) **JUDICIAL NOTICE OF**
24) **CONTENTS**
25 ALEXANDER SMIRNOV,) **OF HEARING TRANSCRIPT**
26) **[ECF 148 THIRD MOTION IN**
27 Defendant,) **LIMINE FILED BY**
28) **DEFENDANT]¹**

1 A Declaration was not submitted with the Motion; however, the deadline for Motions in Limine is November 1, 2024, and therefore this Declaration is timely filed.

DECLARATION OF RICHARD A SCHONFELD

I, Richard A Schonfeld, declare as follows:

1. I am an attorney of record for Defendant Alexander Smirnov in the above-captioned case. I have personal knowledge of the matters contained in this declaration, and, if called as a witness to testify, I would competently testify to them. This declaration is offered in support of the Defendant's third filed Motion in Limine to Take Judicial Notice of Contents of Hearing Transcript (DKT 148).

2. On October 22, 2024, counsel for Mr. Smirnov sent counsel for the government an email seeking the government's position on this motion. The government subsequently responded that it opposes the Motion.

3. The Defendant will suffer prejudice if this Motion in Limine is denied, as official transcripts are within the category of documents for which the Court can take judicial notice. Undersigned counsel believes that the transcript is relevant to one of Mr. Smirnov's theories of defense, i.e. the prosecution of Mr. Smirnov was commenced as a result of the rejection of Hunter Biden's plea resolutions.

Executed this 1st day of November, 2024, in Las Vegas, Nevada.

Respectfully Submitted:

CHESNOFF & SCHONFELD



RICHARD A. SCHONFELD